

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

NATIONAL ASSOCIATION OF
COMMUNITY HEALTH CENTERS,

Plaintiff,

v.

XAVIER BECERRA, Secretary of the
United States Department of Health and
Human Services, *et al.*,

Defendants.

No. 1:20-cv-3032

RESPONSE TO ORDER TO SHOW CAUSE

Plaintiff National Association of Community Health Centers (NACHC) submits this response to the Court's September 6, 2022 Minute Order directing it to show cause why this case should not be dismissed in light of the parties' failure to timely file a joint status report. For the reasons set out below, the report was filed shortly after the Court's Order. ECF No. 23.

After timely submitting eight joint status reports in this stayed case, the parties inadvertently selected a weekend filing date—Saturday, September 3, 2022—for their ninth report. On August 26, 2022, before leaving for vacation, counsel for defendant HHS proposed filing the required status report on Tuesday, September 6, 2022, the next business day following the Labor Day holiday. Undersigned counsel for NACHC submitted a draft joint status report for HHS counsel's review on Friday, September 2, 2022, but agreed to coordinate filing on Tuesday, September 6, 2022, given the Saturday filing date and HHS counsel's vacation. Counsel for NACHC received HHS's authorization to file the report shortly after this Court's order to show cause. Counsel then promptly filed the report, which indicates the parties' agreement that the

case should remain stayed for an additional 90 days to permit NACHC—on behalf of its covered entity members—to pursue claims in the 340B Administrative Dispute Resolution process. ECF No. 23.

Undersigned counsel sincerely apologizes for any burden or inconvenience to the Court caused by the delay in filing and, having promptly remedied the issue in collaboration with HHS counsel, respectfully submits that dismissal for failure to prosecute is unwarranted.

Respectfully submitted,

s/ Rosie Dawn Griffin

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